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Attorneys for Petitioner NEXTEER
AUTOMOTIVE CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: DMCA SECTION 512(H)
SUBPOENA TO GITHUB, INC.

MISC. ACTION NO: 3:23-MC-80164-LJC

**DECLARATION OF PETE KIOUSIS IN
SUPPORT OF PETITIONER NEXTEER
AUTOMOTIVE CORPORATION'S
REQUEST TO THE CLERK FOR ISSUANCE
OF A SUBPOENA TO MICROSOFT
CORPORATION**

1 I, Pete Kiouisis, declare as follows:

2 1. I am the Assistant General Counsel and Chief IP Counsel at Nexteer Automotive
3 Corporation ("Nexteer"). As part of my duties, I am responsible for monitoring and addressing
4 infringement of copyrights owned by or assigned to Nexteer.

5 2. I am authorized to act on Nexteer's behalf. I submit this declaration in support of
6 Nexteer's request for issuance of a subpoena to Microsoft Corporation. ("Microsoft") pursuant to Federal
7 Rule of Civil Procedure 45 *et seq.*


8 3. The purpose of Nexteer's Subpoena is to assist in identifying the alleged infringer or
9 infringers who posted Nexteer's source code and source code assigned to Nexteer on systems operated
10 by GitHub, Inc. without Nexteer's authorization, which postings infringe copyrights held by Nexteer (the
11 "Infringing Content"). I have personal knowledge of the facts contained herein and, if called upon to do
12 so, I could and would testify competently thereto.

13 4. Nexteer previously requested, and this Court issued, subpoenas to GitHub, Inc. to identify
14 individuals who had posted various excerpts of Nexteer's confidential and copyrighted source code to
15 GitHub, which postings infringe copyrights held by or assigned to Nexteer. After issuance and service of
16 those subpoenas, Nexteer received certain GitHub account data and, through investigation, identified
17 Outlook email accounts potentially related to the users posting infringing content to GitHub. Nexteer
18 now seeks information about these Outlook email users to further aid in identifying the individuals
19 infringing Nexteer's copyrights and disseminating Nexteer's intellectual property without authorization.

20 5. Nexteer's subpoena is sought to identify an alleged infringer or infringers, and such
21 information will only be used for the purpose of protecting Nexteer's rights under 17 U.S.C. §§ 100, et
22 seq.

23 I declare under penalty of perjury under the laws of the State of California and Michigan that the
24 foregoing is true and correct.

25 Executed on February 7, 2024 at Waterford Township, Oakland County, Michigan.

26 
27 _____
28 Pete Kiouisis